

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00826
v.)	
)	
FIS GLOBAL, INC.,)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

mCom IP, LLC (“mCom”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,862,508 (“the ‘508 patent”) (referred to as the “Patent-in-Suit”) by FIS Global, Inc. (“FIS Global”).

I. THE PARTIES

1. Plaintiff mCom is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, FIS GLOBAL is a credit union existing under the laws of the State of Delaware, with a principal place of business located at 12007 Research Blvd # 102, Austin, TX 78759. On information and belief, FIS GLOBAL sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Defendant may be served at its place of business.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '508 Patent

6. On October 14, 2014, U.S. Patent No. 8,862,508 ("the '508 patent", attached as Exhibit A) entitled "System and method for unifying e-banking touch points and providing personalized financial services" was duly and legally issued by the U.S. Patent and Trademark Office. MCom owns the '508 patent by assignment.

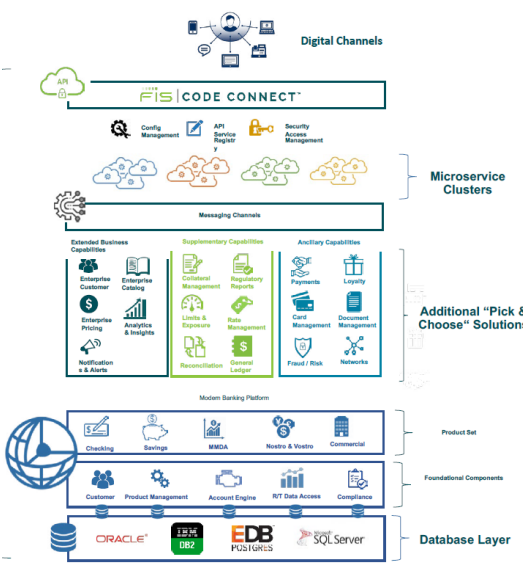
7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

8. FIS GLOBAL maintains, operates, and administers methods and systems of unified banking systems that infringe one or more claims of the '508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed

by the ‘508 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

Claims	FIS
1. A method for constructing a unified electronic banking environment, said method comprising the steps of:	<p>FIS Modern Banking Platform</p> <p>With support for all bank types, the Modern Banking Platform is designed to meet the unique challenges and opportunities of the digital age. The solution design embraces three essential attributes:</p> <p>Attachment 1 (FIS Modern Banking platform) at 4.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/files/pdf/brochure/solution-modern-banking-ux-retail-fis.pdf</p> <p>FIS Digital One Delivering an Intelligent Omnichannel Banking Experience</p> <p>Attachment 2 (FIS Digital One) at 1.</p>

Claims	FIS
	<p>Source: https://www.fisglobal.com/-/media/fisglobal/images/wbml/2019/personas/digital-modernisation-retail/pdf/fis-digital-one-overview_brochure.pdf</p>
<p>providing at least one common multi-channel server coupled to more than one e-banking touch points and also coupled to at least one computer system configured with at least one control console, said more than one e-banking touch points and said at least one computer system being provided in locations remote from the other, and further wherein said more than one plurality of e-banking touch points are comprised of at least two different types of e-banking touch point devices, each of which comprise one or more of an automatic teller/transaction machine (ATM), a</p>	 <p>Attachment 1 (FIS Modern Banking platform) at 7.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/files/pdf/brochure/solution-modern-banking-ux-retail-fis.pdf</p>

Claims	FIS
<p>self service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	
<p>receiving an actionable input from at least one e-banking touch point;</p>	

Claims	FIS
	<div data-bbox="430 268 654 300"> <p>DIGITAL ONE CONSUMER FOR CONSUMER-FACING TOUCHPOINTS</p> </div> <div data-bbox="422 315 662 363"> <p>Attract, retain, and grow happy customers with a digital application that spans online and mobile</p> </div> <div data-bbox="893 268 1110 300"> <p>DIGITAL ONE BANKER FOR BANKER-ASSISTED TOUCHPOINTS</p> </div> <div data-bbox="893 315 1122 348"> <p>Enterprise application, for sales, service, origination, and monetary transactions</p> </div> <div data-bbox="422 394 1122 644"> <p>The diagram illustrates the FIS Digital One architecture. A central grey box labeled 'DIGITAL UNITED' is connected to two groups of touchpoints. On the left, under the heading 'DIGITAL ONE CONSUMER FOR CONSUMER-FACING TOUCHPOINTS', are four blue circular icons: 'Online' (Wi-Fi symbol), 'Mobile' (smartphone), 'Tablet' (tablet), and 'Chatbot' (speech bubble). On the right, under the heading 'DIGITAL ONE BANKER FOR BANKER-ASSISTED TOUCHPOINTS', are four green circular icons: 'Branch' (bank building), 'Call Center' (headset), 'Mobile Banker' (person with smartphone), and 'Kiosk' (hand on screen). A horizontal line with arrows at both ends passes through the 'DIGITAL UNITED' box. Above the box, the text 'Common features and user experiences' is written. Below the box, the text 'Shared data and processes' is written. The FIS logo is positioned at the bottom right of the diagram.</p> </div> <p>Attachment 2 (FIS Digital One) at 2.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/images/wbml/2019/personas/digital-modernisation-retail/pdf/fis-digital-one-overview_brochure.pdf</p>

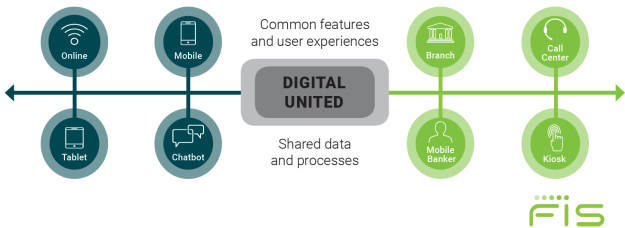
Claims	FIS
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<h2 data-bbox="435 268 1321 415">Intuitive Digital Banking Experience, Regardless of Customer's Device</h2> <p data-bbox="435 453 1386 579">FIS™ Digital One® Consumer is a highly scalable and configurable, customer-facing digital self-service banking management solution that spans online and mobile. You'll better understand your customers while delivering the digital experience they desire.</p> <p data-bbox="435 611 1377 737">Digital One Consumer features a modern, future-looking design. It's built to be a smooth, modern experience for today but with the future in mind. This enables banks to easily expand with more advanced capabilities and added personalization.</p> <p data-bbox="435 768 1360 936">The solution is responsive all the way down to the mobile device. <u>Sharing data</u> across self-service channels helps reduce friction for the customer as they engage across channels or devices. And with Digital One Consumer's personalization features, customers can create a customized view of the landing page, create nicknames, <u>customize favorites</u> and <u>update personal information</u> - from any device.</p> <p data-bbox="396 1066 941 1100">Attachment 3 (FIS Digital One Consumer)</p> <p data-bbox="396 1136 1151 1169">Source: https://www.fisglobal.com/en/digitalone/consumer</p>
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<p data-bbox="456 1421 1321 1486">FIS offers <i>Zelle</i>— a fast, safe and easy way for consumers to send and receive money using their financial institution's mobile app.</p> <p data-bbox="456 1514 1352 1579">With our streamlined <i>Zelle</i> implementation, you can quickly connect your financial institution to the growing <i>Zelle Network</i>.</p> <p data-bbox="396 1692 906 1726">Attachment 5 (FIS Zelle Product Sheet)</p> <p data-bbox="396 1761 1325 1837">Source: https://www.fisglobal.com/-/media/fisglobal/files/PDF/product-sheet/FIS-Zelle-Product-Sheet.pdf?sc_lang=en</p>

Claims	FIS
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said more than one e-banking touch points and said at least one computer system;</p>	<div data-bbox="418 747 1065 1100"> <p>The diagram illustrates the FIS Digital One architecture. It is divided into two main sections: 'DIGITAL ONE CONSUMER FOR CONSUMER-FACING TOUCHPOINTS' on the left and 'DIGITAL ONE BANKER FOR BANKER-ASSISTED TOUCHPOINTS' on the right. Both sections are connected to a central grey box labeled 'DIGITAL UNITED'. Below this central box is the text 'Shared data and processes'. Above the central box is the text 'Common features and user experiences'. The consumer-facing section includes touchpoints: Online, Mobile, Tablet, and Chatbot. The banker-assisted section includes touchpoints: Branch, Call Center, Mobile Banker, and Kiosk. The FIS logo is at the bottom right of the diagram.</p> </div> <p>Attachment 2 (FIS Digital One) at 2.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/images/wbml/2019/personas/digital-modernisation-retail/pdf/fis-digital-one-overview_brochure.pdf</p>

Claims	FIS
<p>monitoring via said server an active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p> <p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<p>Our extendable rules engine provides the power to <u>create or modify real-time as the market demands and strategy refines</u>. The process flow to integrate into the core banking system is seamless and provides the ability to adjust strategy quickly and provide differentiation across geography, products and customer segments.</p> <p><u>Relationship Rewards uses data from all parts of the financial institution</u>. Some traditional data such as customer and account demographic profiles and some non-traditional such as:</p> <p>Attachment 4 (Relationship Rewards Product Sheet)</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/files/PDF/product-sheet/Relationship-Rewards-Product-Sheet.pdf?sc_lang=en</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine</p>	<p>This approach is sparking a new outlook on how to understand the value your customers bring to you, grow existing relationships and attract new. <u>Customer relationships are automatically evaluated on an ongoing basis to determine the value and appropriate level of benefits</u> such as:</p> <ul style="list-style-type: none"> • Fee Waivers • Higher Interest on deposit accounts • Lower interest rates on loans • Interest Bonuses • Cash Back • Discounts • Financial credit • Merchandise • Travel

Claims	FIS
<p>whether transmission of additional information related to said marketing content occurs during said active session.</p>	<p>Attachment 4 (Relationship Rewards Product Sheet)</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/files/PDF/product-sheet/Relationship-Rewards-Product-Sheet.pdf?sc_lang=en</p>
<p>Claim 7, A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>FIS Modern Banking Platform</p> <p>With support for all bank types, the Modern Banking Platform is designed to meet the unique challenges and opportunities of the digital age. The solution design embraces three essential attributes:</p> <p>Attachment 1 (FIS Modern Banking platform) at 4.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/files/pdf/brochure/solution-modern-banking-ux-retail-fis.pdf</p> <div data-bbox="397 1360 1055 1570"> <p>FIS Digital One</p> <p>Delivering an Intelligent Omnichannel Banking Experience</p> </div> <p>Attachment 2 (FIS Digital One) at 1.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/images/wbml/2019/personas/digital-modernisation-retail/pdf/fis-digital-one-overview_brochure.pdf</p>

Claims	FIS
<p>providing a common multi-channel server coupled to one or more e-banking touch points and also coupled to one or more computer systems, wherein each computer system is associated with a financial institution, said e-banking touch points being provided in locations remote from the other, and each of which comprise one or more of an automatic teller/transaction machine (ATM), a self-service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and</p>	<div data-bbox="397 409 990 1039"> </div> <p>Attachment 1 (FIS Modern Banking platform) at 7.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/files/pdf/brochure/solution-modern-banking-ux-retail-fis.pdf</p>

Claims	FIS
<p>wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	
<p>receiving an actionable input from at least one e-banking touch point;</p>	<div data-bbox="418 919 1039 1255"> <p>DIGITAL ONE CONSUMER FOR CONSUMER-FACING TOUCHPOINTS Attract, retain, and grow happy customers with a digital application that spans online and mobile</p> <p>DIGITAL ONE BANKER FOR BANKER-ASSISTED TOUCHPOINTS Enterprise application, for sales, service, origination, and monetary transactions</p>  <p>The diagram illustrates the FIS Digital One architecture. It features a central grey box labeled 'DIGITAL UNITED' with the text 'Common features and user experiences' above it and 'Shared data and processes' below it. To the left, under the heading 'DIGITAL ONE CONSUMER FOR CONSUMER-FACING TOUCHPOINTS', are four blue circular icons: 'Online' (Wi-Fi symbol), 'Mobile' (smartphone), 'Tablet' (tablet), and 'Chatbot' (speech bubble). To the right, under the heading 'DIGITAL ONE BANKER FOR BANKER-ASSISTED TOUCHPOINTS', are four green circular icons: 'Branch' (bank building), 'Call Center' (headset), 'Mobile Banker' (person with phone), and 'Kiosk' (hand pointing at a screen). A horizontal double-headed arrow connects the consumer touchpoints to the central core, and another horizontal double-headed arrow connects the banker touchpoints to the central core. The FIS logo is at the bottom right of the diagram.</p> </div> <p>Attachment 2 (FIS Digital One) at 2.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/images/wbml/2019/personas/digital-modernisation-retail/pdf/fis-digital-one-overview_brochure.pdf</p>

Claims	FIS
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<h2 data-bbox="440 331 1317 485">Intuitive Digital Banking Experience, Regardless of Customer's Device</h2> <p data-bbox="440 520 1382 646">FIS™ Digital One® Consumer is a highly scalable and configurable, customer-facing digital self-service banking management solution that spans online and mobile. You'll better understand your customers while delivering the digital experience they desire.</p> <p data-bbox="440 674 1373 800">Digital One Consumer features a modern, future-looking design. It's built to be a smooth, modern experience for today but with the future in mind. This enables banks to easily expand with more advanced capabilities and added personalization.</p> <p data-bbox="440 827 1354 999">The solution is responsive all the way down to the mobile device. <u>Sharing data</u> across self-service channels helps reduce friction for the customer as they engage across channels or devices. And with Digital One Consumer's personalization features, customers can create a customized view of the landing page, create nicknames, <u>customize favorites</u> and <u>update personal information</u> – from any device.</p> <p data-bbox="397 1129 943 1163">Attachment 3 (FIS Digital One Consumer)</p> <p data-bbox="397 1199 1154 1232">Source: https://www.fisglobal.com/en/digitalone/consumer</p>
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<p data-bbox="495 1482 1284 1541">FIS offers <i>Zelle</i>— a fast, safe and easy way for consumers to send and receive money using their financial institution's mobile app.</p> <p data-bbox="495 1566 1313 1625">With our streamlined <i>Zelle</i> implementation, you can quickly connect your financial institution to the growing <i>Zelle Network</i>.</p> <p data-bbox="397 1738 907 1772">Attachment 5 (FIS Zelle Product Sheet)</p>

Claims	FIS
	<p>Source: https://www.fisglobal.com/-/media/fisglobal/files/PDF/product-sheet/FIS-Zelle-Product-Sheet.pdf?sc_lang=en</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said e-banking touch points and said one or more computer systems;</p>	<div data-bbox="418 856 1133 1243"> <p>DIGITAL ONE CONSUMER FOR CONSUMER-FACING TOUCHPOINTS Attract, retain, and grow happy customers with a digital application that spans online and mobile</p> <p>DIGITAL ONE BANKER FOR BANKER-ASSISTED TOUCHPOINTS Enterprise application, for sales, service, origination, and monetary transactions</p> <p>Common features and user experiences</p> <p>DIGITAL UNITED</p> <p>Shared data and processes</p> <p>FIS</p> <pre> graph LR subgraph Consumer_Facing [DIGITAL ONE CONSUMER FOR CONSUMER-FACING TOUCHPOINTS] Online((Online)) Mobile((Mobile)) Tablet((Tablet)) Chatbot((Chatbot)) end subgraph Banker_Assisted [DIGITAL ONE BANKER FOR BANKER-ASSISTED TOUCHPOINTS] Branch((Branch)) Call_Center((Call Center)) Mobile_Banker((Mobile Banker)) Kiosk((Kiosk)) end Core[DIGITAL UNITED] Online --- Core Mobile --- Core Tablet --- Core Chatbot --- Core Branch --- Core Call_Center --- Core Mobile_Banker --- Core Kiosk --- Core Core --- Shared[Shared data and processes] </pre> </div> <p>Attachment 2 (FIS Digital One) at 2.</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/images/wbml/2019/personas/digital-modernisation-retail/pdf/fis-digital-one-overview_brochure.pdf</p>

Claims	FIS
<p>monitoring via said server said active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p> <p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<p>Our extendable rules engine provides the power to <u>create or modify real-time as the market demands and strategy refines</u>. The process flow to integrate into the core banking system is seamless and provides the ability to adjust strategy quickly and provide differentiation across geography, products and customer segments.</p> <p><u>Relationship Rewards uses data from all parts of the financial institution</u>. Some traditional data such as customer and account demographic profiles and some non-traditional such as:</p> <p>Attachment 4 (Relationship Rewards Product Sheet)</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/files/PDF/product-sheet/Relationship-Rewards-Product-Sheet.pdf?sc_lang=en</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine</p>	

Claims	FIS
whether transmission of additional information related to said marketing content occurs during said active session.	<p>This approach is sparking a new outlook on how to understand the value your customers bring to you, grow existing relationships and attract new. <u>Customer relationships are automatically evaluated on an ongoing basis to determine the value and appropriate level of benefits</u> such as:</p> <ul style="list-style-type: none"> • Fee Waivers • Higher Interest on deposit accounts • Lower interest rates on loans • Interest Bonuses • Cash Back • Discounts • Financial credit • Merchandise • Travel <p>Attachment 4 (Relationship Rewards Product Sheet)</p> <p>Source: https://www.fisglobal.com/-/media/fisglobal/files/PDF/product-sheet/Relationship-Rewards-Product-Sheet.pdf?sc_lang=en</p>

These allegations of infringement are preliminary and are therefore subject to change.

10. FIS GLOBAL has and continues to induce infringement. FIS GLOBAL has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to construct a unified banking system such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, FIS GLOBAL has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent and the date of the lawsuit filing.

11. FIS GLOBAL has and continues to contributorily infringe. FIS GLOBAL has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies),

and continues to do so, on how to use its products and services (e.g., construction of unified banking system) and related services that provide unified banking systems such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, FIS GLOBAL has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent and the date of the lawsuit filing.

12. FIS GLOBAL has caused and will continue to cause MCom damage by direct and indirect infringement of (including inducing infringement of) the claims of the '508 patent.

IV. JURY DEMAND

MCom hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, MCom prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '508 patent;
- b. award MCom damages in an amount sufficient to compensate it for Defendant's infringement of the '508 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award MCom an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award MCom its attorneys' fees, expenses, and costs incurred in this action;

- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award MCom such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in blue ink, appearing to read 'WPR', with a large, stylized flourish underneath.

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